
HOUSE BILL No. 1809

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-13; IC 33-19.

Synopsis: Law enforcement assistance fund. Provides for a supplemental grant from the law enforcement assistance fund to continue the employment of each officer who was employed with the assistance of a grant from the fund. Imposes a \$20 court cost to provide money for the grants.

Effective: July 1, 2001.

Mellinger

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1809

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 4. The law enforcement assistance
3 fund is established to provide money to agencies to increase the
4 number of officers on patrol in the community. The fund consists of the
5 following:

6 (1) Appropriations made by the general assembly.

7 (2) **Distributions under IC 33-19-9-4.**

8 (3) Any other public or private source.

9 SECTION 2. IC 5-2-13-8.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2001]: **Sec. 8.5. (a) An agency that received a grant under section**
12 **8 of this chapter may apply to the Indiana criminal justice institute**
13 **to receive an additional grant from the fund under this section.**

14 **(b) The Indiana criminal justice institute shall approve or deny**
15 **a grant application submitted under this section.**

16 **(c) An agency may receive a grant under this section to pay the**
17 **salary, including benefits, of each officer who was hired by the**

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agency with the assistance of a grant under section 8 of this chapter. The amount of the grant may not exceed the lesser of the following:

(1) Fifty percent (50%) of the annual salary, including benefits, of each officer hired with the assistance of a grant under section 8 of this chapter.

(2) Twenty-four thousand dollars (\$24,000).

An agency may not receive more than two (2) grants under this section.

(d) An agency may not use a grant to replace funds that the agency would normally spend for training, personnel, equipment, and other agency expenses.

SECTION 3. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A marijuana eradication program fee.

(3) An alcohol and drug services program user fee.

(4) A law enforcement continuing education program fee.

(5) A drug abuse, prosecution, interdiction, and correction fee.

(6) An alcohol and drug countermeasures fee.

(7) A child abuse prevention fee.

(8) A domestic violence prevention and treatment fee.

(9) A highway work zone fee.

(10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A law enforcement assistance fund fee (IC 33-19-6-18).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate

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1 user fee fund established under IC 33-19-8:

- 2 (1) The pretrial diversion fee.
- 3 (2) The marijuana eradication program fee.
- 4 (3) The alcohol and drug services program user fee.
- 5 (4) The law enforcement continuing education program fee.

6 (e) Unless otherwise directed by a court, if a clerk collects only part
7 of a criminal costs fee from a defendant under this section, the clerk
8 shall distribute the partial payment of the criminal costs fee as follows:

- 9 (1) First, the clerk shall apply the partial payment to general court
10 costs.
- 11 (2) Second, if there is money remaining after the partial payment
12 is applied to general court costs under subdivision (1), the clerk
13 shall distribute the partial payment for deposit in the appropriate
14 county user fee fund.
- 15 (3) Third, if there is money remaining after distribution under
16 subdivision (2), the clerk shall distribute the partial payment for
17 deposit in the state user fee fund.
- 18 (4) Fourth, if there is money remaining after distribution under
19 subdivision (3), the clerk shall distribute the partial payment to
20 any other applicable user fee fund.
- 21 (5) Fifth, if there is money remaining after distribution under
22 subdivision (4), the clerk shall apply the partial payment to any
23 outstanding fines owed by the defendant.

24 SECTION 4. IC 33-19-5-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as
26 provided in subsections (d) and (e), for each action that results in a
27 judgment:

- 28 (1) for a violation constituting an infraction; or
- 29 (2) for a violation of an ordinance of a municipal corporation (as
30 defined in IC 36-1-2-10);

31 the clerk shall collect from the defendant an infraction or ordinance
32 violation costs fee of seventy dollars (\$70).

33 (b) In addition to the infraction or ordinance violation costs fee
34 collected under this section, the clerk shall collect from the defendant
35 the following fees if they are required under IC 33-19-6:

- 36 (1) A document fee.
- 37 (2) An alcohol and drug services program user fee.
- 38 (3) A law enforcement continuing education program fee.
- 39 (4) An alcohol and drug countermeasures fee.
- 40 (5) A highway work zone fee.
- 41 (6) A deferred prosecution fee (IC 33-19-6-16.2).
- 42 (7) **A law enforcement assistance fund fee (IC 33-19-6-18).**

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(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

- (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
- (2) the defendant denied the violation under IC 33-6-3-2;
- (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
- (4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 5. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.

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(6) A law enforcement assistance fund fee (IC 33-19-6-18).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 6. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies to each action in which a defendant is found to:**

- (1) have committed a crime;**
- (2) have committed a moving traffic violation (as defined in IC 34-6-2-85); or**
- (3) be a delinquent child.**

(b) In an action described in subsection (a), the clerk shall collect a law enforcement assistance fund fee of twenty dollars (\$20).

SECTION 7. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. (a)** The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).



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(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the law enforcement assistance fund fees collected under IC 33-19-6-18.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

SECTION 8. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).



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(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(5) One hundred percent (100%) of the law enforcement assistance fund fees collected under IC 33-19-6-18.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 9. IC 33-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The treasurer of state shall semiannually distribute one million eighty-seven thousand five hundred dollars (\$1,087,500) of the amounts transferred to the state fund under section 3 of this chapter as follows:

- (1) Seventeen and seventy-three hundredths percent (17.73%) shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.

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(2) Nine and ninety-seven hundredths percent (9.97%) shall be deposited into the drug interdiction fund established under IC 10-1-8-2.

(3) Five and fifty-four hundredths percent (5.54%) shall be deposited into the drug prosecution fund established under IC 33-14-8-5.

(4) Six and sixty-five hundredths percent (6.65%) shall be deposited into the corrections drug abuse fund established under IC 11-8-2-11.

(5) Twenty-six and sixty-hundredths percent (26.60%) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) Nine and forty-five hundredths percent (9.45%) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) Twenty-four and six-hundredths percent (24.06%) shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.

(b) The treasurer of state shall semiannually distribute ~~the amount remaining after the distributions in subsection (a)~~ **two hundred thousand dollars (\$200,000)** to the Indiana safe schools fund established by IC 5-2-10.1.

(c) **The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsections (a) and (b) to the law enforcement assistance fund established by IC 5-2-13-4.**

SECTION 10. [EFFECTIVE JULY 1, 2001] IC 33-19-6-18, as added by this act, applies to criminal, infraction, and ordinance violation cases in which court costs are collected after June 30, 2001.

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